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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,483	06/30/2003	David L. Wyatt	60680-1711	8806

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EXAMINER

WALBERG, TERESA J

ART UNIT PAPER NUMBER

3753

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/610,483	<b>Applicant(s)</b> WYATT ET AL.	
	<b>Examiner</b> Teresa J. Walberg	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is longer than 150 words and because it contains the phrase "the present invention discloses". Correction is required. See MPEP § 608.01(b).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6, 9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Verkaart (5,097,898).

Verkaart discloses a conduit assembly (see Fig. 6) having the claimed structure and method including an inner conduit (16), an outer conduit (14) disposed around the inner conduit (16), a fluid splitter body (42) capable of receiving a portion of the outer conduit (14), the first fluid passing through the inner conduit

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(16) is exposed to a temperature of the second fluid and shielded from ambient environmental conditions by passing through the outer conduit (14), a fluid splitter nipple (44) engaging the inner conduit (16), the inner conduit and the fluid splitter nipple having a plurality of ribs (18 in Fig. 4), and the inner conduit being made of a flexible material (col. 3, lines 11-13).

5. Claims 1, 2, 4, 5, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Thayer (2,085,677).

Thayer discloses a conduit assembly (see Fig. 6) having the claimed structure including an inner conduit (21), an outer conduit (20) disposed around the inner conduit (21), a fluid splitter body (27) capable of receiving a portion of the outer conduit (20), the first fluid passing through the inner conduit (21) is exposed to a temperature of the second fluid and shielded from ambient environmental conditions by passing through the outer conduit (20), a fluid splitter nipple (27) engaging the inner conduit (21), the inner conduit (21) having a plurality of ribs (22), and the outer conduit (20) being made of a rigid material.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verkaart (5,097,898) in view of Galvin et al (4,231,228).

Verkaart, as discussed above, discloses the claimed structure and method with the exception of the conduits forming a saddle joint. Galvin et al disclose the use of a saddle joint (72 in Fig. 2) for connecting conduits together. It would have been obvious in view of Galvin to use a saddle joint for connection of the conduits of Verkaart, the motivation being to provide a stronger connection.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verkaart (5,097,898) or Thayer (2,085,677) in view of the admitted prior art.

Verkaart or Thayer, as discussed above, disclose the claimed structure with the exception of the conduit assembly being used in combination with a pump, a heater core of a heater system, and a heat reservoir. The admitted prior art on pages 1 and 2 of the specification discloses that such structures are conventional in the heat exchange art. It would have been obvious in view of the admitted prior art to use the conduit assembly of Verkaart or Thayer in combination with heating system including a pump, a heater core of a heater system, and a heat reservoir, the motivation being to make the heating system more efficient.

Note that claims 7 and 8 are interpreted as being combination claims, rather than statements of intended use. If applicant intended the limitations in claims 7 and 8 to be statements of intended use, clarification would be required.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forbes, Welch, Brown, Wold, and Jaeger are cited to show systems using coaxial conduits.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Teresa J. Walberg  
Primary Examiner  
Art Unit 3753